

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIC - THE INDUSTRIAL COMPANY)
WYOMING, INC., and PIONEER)
TRAIL ENERGY L.L.C.,)

Plaintiffs,)

v.)

FACTORY MUTUAL INSURANCE)
COMPANY, and IMA OF KANSAS,)
INC.,)

Defendants.)

4:10CV3153

AMENDED
PROGRESSION ORDER

IT IS ORDERED that the motion to extend, (filing no. 68), is granted, and

- 1) On or before November 25, 2011, plaintiff Pioneer Trail shall either:
 - a. Serve interrogatory answers and full and complete responses to Factory Mutual's document discovery requests, along with a statement under oath that all responsive documents have been provided (as required under this court's prior order, filing no. 67); or
 - b. Shall move to withdraw as a party plaintiff and/or for dismissal of its claims
- 2) Due to the uncertainty regarding the plaintiffs' representation and its impact on the parties' trial preparation, the progression schedule is modified as follows:
 - a. A jury trial is set to commence on June 4, 2012, at 9:00 a.m. before Senior Judge Warren K. Urbom. A conference with counsel in chambers, Room 507, will be held prior to trial on June 4, 2012, at 8:30 a.m. No more than seven (7) days are allocated to the trial of this case and counsel shall plan accordingly. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one.

- b. The pretrial conference will be held before the undersigned magistrate judge on May 24, 2012 at 10:00 a.m. and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be e-mailed to zwart@ned.uscourts.gov, in either Word or WordPerfect format, by 5:00 p.m. on May 23, 2012. An e-mail will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- c. The telephonic status conference with the undersigned magistrate judge, previously scheduled for November 7, 2011 at 9:00 a.m., is continued and will be held on December 8, 2011 at 10:00 a.m.
- d. Defendants' expert disclosures, (both retained experts, (Fed.R.Civ.P. 26(a)(2)(B)), and non-retained experts, (Fed.R.Civ.P.26(a)(2)(C)), shall be served on or before February 15, 2012.
- e. Non-expert fact discovery shall be completed by March 5, 2012.
- f. Rebuttal expert disclosures shall be served on or before March 16, 2012.
- g. Expert discovery shall be completed by April 16, 2012.
- h. The deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on *Daubert* and related grounds is February 19, 2012.

Dated this 27th day of October, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge